

REMARKS

Applicants thank Examiner Toomer for the helpful and courteous discussion of October 26, 2006. During the discussion, the Examiner acknowledged that an amendment to Claims 77, 79, 81 and 85 would cure issues under 35 U.S.C. § 112, second paragraph and the filing of a Terminal Disclaimer would overcome the obviousness-type double patenting rejection.

Applicants submit the amendment to the claims obviates the rejection under 35 U.S.C. § 112, second paragraph and respectfully request withdrawal of the rejection.

Applicants submit herewith a Terminal Disclaimer in view of co-pending application U.S. 10/089,056. Applicants submit the Terminal Disclaimer obviates the obviousness-type double patenting rejection and requests withdrawal of the rejection.

INFORMATION DISCLOSURE STATEMENT

Applicants submit herewith an Information Disclosure Statement. The IDS includes a PTO-1449 listing the publications cited on an IDS submitted in co-pending application 10/536,401. The IDS includes a letter provided by third party counsel. Applicants request the Examiner provide a signed, dated and initialed copy of the 1449 acknowledging that all of the publications provided thereon have been considered during the examination of the present application (see the discussion below with regard to whether the cited publications qualify as prior art to the present application).

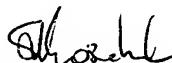
Applicants filed a certified English translation of the priority document in the present case on June 19, 2006. Applicants thus perfected their claims to priority in the present application. The present application claims priority to German Application 19948111.3, filed on October 6, 1999.

The Office Action of March 17, 2006 provided a partially initialed and signed copy of a PTO-1449 date-stamped by the Office on November 1, 2005. Applicants note that the first reference, i.e., U.S. Patent No. 5,725,612, was not initialed. Applicants request the Office return a copy of the November 1, 2005 PTO-1449 including the Examiner's initials next to reference AA with the next communication from the Office.

Applicants submit that all now-pending claims are in condition for allowance and respectfully request the Office acknowledge the same by mailing a Notice of Allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Stefan U. Koschnieder, Ph.D.
Registration No. 50,238

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)